

D R A F T  
OF AN  
ACT OF CONSTITUTION,  
WITH  
STANDING ORDERS AND A FINANCE REPORT,  
PREPARED BY  
THE COMMITTEE APPOINTED IN CONFORMITY  
WITH THE RECOMMENDATION OF THE LAY  
CONFERENCE,  
TO BE SUBMITTED TO  
THE GENERAL CONVENTION  
OF  
THE CHURCH OF IRELAND.

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## COMMITTEE

APPOINTED IN CONFORMITY WITH THE RECOMMENDATION  
OF THE LAY CONFERENCE.

FIRST MEETING, WEDNESDAY, JAN. 5, 1870.

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THE LORD ARCHBISHOP OF ARMAGH.  
THE LORD ARCHBISHOP OF DUBLIN.  
THE LORD BISHOP OF MEATH.  
THE LORD BISHOP OF CASHEL.  
THE LORD BISHOP OF OSSORY.  
THE LORD BISHOP OF DOWN.  
THE LORD BISHOP OF KILLALOE.  
THE LORD BISHOP OF KILMORE.  
THE LORD BISHOP OF CORK.  
THE LORD BISHOP OF LIMERICK.  
THE LORD BISHOP OF TUAM.  
THE LORD BISHOP OF DERRY.

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DIOCESE OF ARMAGH AND  
CLOGHER.

Rev. A. Irwin.  
The Archdeacon of Clogher.  
Maxwell Close, Esq.  
The Hon. Cavendish Butler.

DIOCESE OF MEATH.

The Archdeacon of Meath.  
Rev. Charles P. Reichel, D.D.  
Lord Dunsany.  
H. M. Pilkington, Esq., Q.C.

DIOCESE OF DERRY AND RAPHOE.

The Dean of Clonfert.  
Rev. John Gwynn, B.D.  
Major Montgomery.  
Wm. E. Scott, Esq.

DIOCESE OF DOWN, CONNOR, AND  
DROMORE.

Rev. Theophilus Campbell.  
Rev. Robt. Hannay.  
Robert Cassidy, Esq.  
Benjamin Hewitt, Esq.

DIOCESE OF KILMORE, ELPHIN,  
AND ARDAGH.

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The Archdeacon of Ardagh.  
Viscount Crichton, M.P.  
John Ffolliot, Esq.

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ACHONRY.

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Sir Arthur E. Guinness, Bart.  
Sir Arthur Knox Gore, Bart.

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AND KILDARE.**

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Hon. and Rev. W. C. Plunket.  
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Andrew S. Hart, Esq. S.F., T.C.D.

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Rev. Samuel Madden.  
The Earl of Courtown.  
The Earl of Carrick.

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WATERFORD AND LISMORE.**

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The Archdeacon of Waterford.  
Sir Robt. J. Paul, Bart.

**DIOCESE OF CORK, CLOYNE, AND  
ROSS.**

The Archdeacon of Cork.  
Rev. R. S. Gregg.  
Right Hon. H. E. Chatterton, V.C.  
Wm. Bence Jones, Esq.

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CLONFERT AND KILMACDUAGH.**

Rev. J. H. Allen.  
Rev. F. H. Burkitt.  
The Earl of Clancarty.  
Capt. R. A. Studdert.

**DIOCESE OF LIMERICK, ARDFERT,  
AND AGHADOE.**

Rev. Benjamin Jacob.  
Rev. Edward Norman.  
James Mac Mahon, Esq.  
John Leahy, Esq. Q.C.

The following learned persons were invited by the Committee to be present at and to assist in its deliberations :—

**THE LORD CHIEF JUSTICE OF THE COURT OF QUEEN'S  
BENCH.**

**THE RIGHT HON. SIR JOSEPH NAPIER, BART.**

**THE RIGHT HON. JUDGE KEATINGE.**

**THE RIGHT HON. JUDGE WARREN.**

**THE RIGHT HON. JUDGE LONGFIELD.**

**THE RIGHT HON SIR FREDERIC SHAW, BART.**

**THE RIGHT HON. J. T. BALL, M.P.**

**THE HON. JUDGE HARRISON.**

**DR. BATTERSBY.**

**DR. TODD.**

**DR. ELRINGTON.**

**T. LEFROY, ESQ., Q.C.**

**REV. J. A. GALBRAITH, F.T.C.D.**

**HON. SECS. TO THE COMMITTEE:**

**REV. ROBERT S. GREGG, A.M.**

**REV. EDWARD NORMAN. A.M.**

**ROBERT CASSIDY, ESQ., LL.D.**

**WILLIAM E. SCOTT, ESQ.**

CHURCH OF IRELAND.  
GENERAL CONVENTION, 1870.

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PREPARATORY ORDERS.

THE General Convention shall meet in one chamber, none but members being admitted.

The Primate, or in his absence the Prelate next in order of precedence present, having taken the Chair, prayer shall be offered up to Almighty God for His blessing on the deliberations of the Convention.

Four Honorary Secretaries shall be provisionally elected. We recommend that two of them should be Clergymen and two Laymen; and that they should be chosen by their respective Orders from amongst the members of the Convention.

Two Committees shall then be appointed consisting of twelve Clergymen and twelve Laymen, chosen by the two Orders respectively, the twelve in each case to be reduced by ballot to seven, who shall then enquire into and report on all cases of disputed elections.

The following General Standing Orders drawn up and approved by the General Committee shall then be submitted to the Convention.

### GENERAL STANDING ORDERS.

1. The Bishops and the Clerical and Lay Representatives shall meet in the same chamber for the discussion and transaction of business ; but it shall be competent for any of the three Orders at the requisition of a majority of such Order present to withdraw at any time for the consideration of any matter.
2. A Chairman shall be chosen by the Representatives of each Order to preside at such separate sittings : and it shall be his duty to confine their deliberations to the subject for the consideration of which they withdrew.
3. The Bishops shall vote separately, and the two other Orders shall vote conjointly, except when separate votes shall be demanded by any three of either Order.
4. The demand for the vote by Orders can only be made when a division is called.
5. No persons not members of the Convention shall be admitted to its meetings, except its officers and reporters when permitted, and such persons as may be expressly invited to attend as advisers or assessors.
6. The Primate, or in his absence the Prelate next in order of precedence present, shall *ex officio* preside at the meetings of the full Convention, and in case none of

the Prelates present shall desire to take the Chair on any particular occasion, the presiding Prelate shall request one of the two Vice-Presidents (to be as hereinafter appointed) to preside, who shall preside accordingly.

7. The Holy Bible and the Book of Common Prayer shall lie on the table.

8. The quorum shall consist of 2 Bishops and 20 Clerical and 40 Lay Representatives.

9. Four Honorary Secretaries, two Clerical and two Lay, shall be elected by their respective Orders from among their own members.

10. Two Vice-Presidents shall be elected by the united vote of the Clerical and Lay Representatives.

11. When the President shall have taken the Chair, no member shall continue standing up, except when addressing the Chair.

12. All questions of order shall be decided by the President.

13. When two or more members shall rise simultaneously to address the Chair, the President shall decide in what order they shall speak.

14. The President shall confine each speaker to the subject-matter of debate ; but it shall not be in order for any member to interrupt the speaker except through the medium of the President.

15. No member shall be allowed to speak more than once on the same question in the same debate, unless in Committee of the whole Convention, except in explanation, or to order ; Provided that the mover

of any question (not being an amendment), shall be allowed the liberty of reply, and that the seconder of a motion or an amendment may reserve his speech to any period of the debate.

16. Whenever the President rises during a debate, any member speaking, or offering to speak, shall sit down, so that the President may be heard without interruption.

17. The President may take part in the discussions of the Convention without leaving the chair.

18. No motion or amendment shall be taken into consideration unless it be seconded.

19. No amendment on an amendment shall be in order, unless when an amendment shall have become a substantive motion.

20. Notices of motion for the appointment of select Committees shall contain the names of the members proposed to serve on such Committee, the mover being in every case a member of such Committee.

21. The motion that a Committee be appointed, and the motion for the appointment of persons to serve in such Committee, shall be decided on separately.

22. No select Committee may, without leave of the Convention, consist of more than fifteen members.

23. Every report of a Committee requiring action, shall be accompanied by a Resolution or Resolutions for the consideration of the Convention.

24. No legislative measure shall be submitted to the Convention, except by leave or order of the Convention. But when such leave or order shall have

been given, the measure proposed may be read a first time forthwith on motion without order. No debate or discussion shall take place on the first reading. And after the first reading, a motion may be made without notice, that the second reading shall take place on some future day to be named in such motion ; and that it be considered in Committee.

25. When leave shall have been given to bring in any legislative measure, it shall be then read for the first time, and ordered to be printed.

26. No legislative measure shall be passed until it shall have been first, read a first time ; secondly, read a second time ; thirdly, considered in detail in Committee of the whole Convention ; and fourthly, have been adopted and reported to the Convention by such Committee, read a third time and passed. No alteration shall be made in any such measure except in a Committee of the whole Convention : but it may be re-committed for such purpose after it shall have been already reported to the Convention.

27. Any legislative measure or resolution which shall have been approved of by the Committee, of Organization, may be at once brought forward by resolution in the General Convention as a Committee of the full Convention, and may be adopted or altered at its discretion without carrying it through the above stages.

28. No legislative measure shall be passed until it shall have lain on the table of the House at least one clear day after having been reported by the Committee of the whole Convention.

29. No question shall be decided except by a majority of the Bishops present, and a majority of the Clerical and Lay Representatives present, whether voting conjointly or separately.

#### ORDER OF EACH DAY'S PROCEEDINGS.

1. The President shall take the chair.
2. The meeting shall open with the reading of Holy Scripture and prayer.
3. The presence of a quorum shall be ascertained by the President or Vice-President presiding.
4. If at the expiration of one hour after the appointed time of meeting, no quorum shall be formed, the President shall adjourn the meeting till the next day of business. And if at any time during the progress of business there shall not be a quorum, the President shall adjourn the meeting, on any member moving that the meeting be counted.
5. The minutes of last day's proceedings shall be read and confirmed.
6. Reports of Committees shall be presented and received.
7. Notices of motion, signed by the mover, shall be handed in writing to the Secretaries within the first two hours of meeting at least one day before such notices be moved.
8. That no amendment shall be proposed without leave of the Convention, unless notice of the same shall have been given, as in last preceding order.

9. Motions and amendments shall be considered in the order in which they shall have been presented to the Secretaries.

10. Adjourned debates, and other business ordered by the Convention at a previous sitting to be taken into consideration, shall be proceeded with two hours after the time appointed for the meeting of the Convention, unless all previous business shall have been disposed of sooner.

11. Subject to the above rules, any business not disposed of on the proper day shall have precedence on the next day's sitting, in the order in which it shall have been previously brought forward.

THE GENERAL CONSTITUTION  
OF  
THE CHURCH OF IRELAND.

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PREAMBLE AND DECLARATION.

*In the name of the Father, and of the Son, and of the Holy Ghost. Amen :* Whereas it hath been determined by the Legislature that the Church of Ireland shall cease to be established by law ; and that the ecclesiastical law of Ireland shall cease to exist as law ; and it hath thus become necessary that the Church of Ireland should provide for its own regulation :

We, the Archbishops and Bishops of this the Ancient Catholic and Apostolic Church of Ireland, together with the representatives of the Clergy and Laity of the same, in General Convention assembled in Dublin in the year of our Lord God one thousand eight hundred and seventy, before entering on this work, do solemnly declare as follows :—

I.

1. The Church of Ireland doth, as heretofore, accept and unfeignedly believe all the Canonical Scrip-

tures of the Old and New Testament, as given by inspiration of God, and containing all things necessary to salvation ; and doth continue to profess the faith of Christ as professed by the Primitive Church.

2. The Church of Ireland will continue to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded ; and will maintain inviolate the Three Orders of Bishops, Priests, and Deacons in the sacred Ministry.

3. The Church of Ireland, as a Reformed and Protestant Church, doth hereby re-affirm its constant witness against all those innovations in doctrine and worship, whereby the Primitive faith hath been defaced or overlaid from time to time, and which at the Reformation it did disown and reject.

## II.

The Church of Ireland doth receive and approve the Book of the Articles of Religion, agreed upon by the Archbishops and Bishops, and the rest of the Clergy of Ireland in the Synod holden in Dublin, A. D. 1634, commonly called the Thirty-nine Articles ;— also the Book of Common Prayer and administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of Ireland ; and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, as approved and adopted by the Synod holden in Dublin, A. D. 1662, and hitherto in use

in this Church. And this Church will continue to use the same, subject to such alterations only as may be made therein from time to time by the lawful authority of the Church.

### III.

The Church of Ireland, deriving its authority from Christ, Who is the Head over all things to the Church, doth declare that a General Synod of the Church of Ireland, consisting of the Archbishops and Bishops, and of Representatives of the Clergy and Laity, shall have chief legislative power therein, and such administrative power as may be necessary for the Church, and consistent with its Episcopal Constitution.

Be it therefore enacted by the Archbishops, and Bishops, and Representatives of the Clergy and Laity of the Church of Ireland, assembled in Dublin in General Convention, as follows :—

### GENERAL SYNOD.

1. The General Synod of the Church of Ireland shall consist of three distinct Orders, viz., the Bishops, the Clergy, and the Laity; the consent of all of which Orders, given as hereinafter provided, shall be necessary to all acts binding upon the Synod and upon all persons recognizing its authority.

2. The General Synod shall consist of two Houses, namely, the House of Bishops, and the House of

Draft of an act of  
Constitution to be  
submitted to the General  
Convention of the Church of  
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Representatives, provided that both Houses may sit together in full Synod for deliberation, in such manner as is hereinafter enacted:

3. The House of Bishops shall consist of all the Archbishops and Bishops of the Church of Ireland for the time being.

4. The House of Representatives shall consist of 100 Representatives of the Clergy, and 150 Representatives of the Laity, to be elected as hereinafter provided.

5. The Clergy and the Synodsmen of each of the United Dioceses and of the Diocese of Meath shall respectively elect in Diocesan Synod such number of Representatives, Clerical and Lay, for each such Diocese, to represent same in the General Synod, as specified in the following table, the Clergy voting for Clerical Representatives only, and the Synodsmen for Lay Representatives only, that is to say :—

	Clerical Representatives.	Lay Representatives.
Armagh	...	10
Down	...	10
Dublin	...	10
Derry	...	8
Kilmore	...	8
Cork	...	10
Ossory	...	10
Tuam	...	6
Meath	...	6
Killaloe	...	6
Limerick	...	8
Cashel	...	8
<hr/>		
	100	150

6. Each Diocesan Synod may enact either that the total number of Representatives which it is entitled to return shall be elected by the whole Diocesan Synod, or that the same may be apportioned among the several Dioceses of which any such United Diocese is composed ; or may divide the whole Diocese into Districts for the purposes of such election, and thereupon apportion said total number of representatives among such several Dioceses or Districts. In case of any such apportionment, the number of Representatives which shall be so apportioned to each several Diocese or District shall be elected by the Clergy and Synodsmen of that Diocese or District, the Clergy voting for Clerical Representatives only, and the Synodsmen for Lay Representatives only. It shall be lawful for each Diocesan Synod to repeal or vary any such enactment from time to time.

7. Every Clergyman of the Church of Ireland, who is in Priest's orders, shall be qualified to be elected as a Clerical Representative, whether he reside in the Diocese for which he may have been elected or not.

8. Every Layman of the age of twenty-one years or upwards, being a member of the Church of Ireland and a communicant of the said Church, shall be qualified to be elected as a Lay Representative for any Diocese. Every person so elected, shall, before taking his seat, sign a declaration in the following form, in a book to be kept for that purpose by the proper officer of the General Synod :

I, A. B., of        do hereby solemnly declare  
that I am a member of the Church of Ireland  
and a communicant of said Church.

And such declaration shall be sufficient evidence of  
such qualification.

9. The Clerical and Lay Representatives shall be  
elected for a period of three years, at a General  
Election to be held once in every three years for  
that purpose: Provided, that in case the seat of any  
Member shall become vacant before the expiration  
of the period for which he shall have been elected,  
the person who shall be elected to fill such vacancy  
shall hold his seat only as long as the member would  
in whose room he shall have been elected.

10. The Archbishop of each Province shall, at least  
two months before the time appointed for each ordi-  
nary meeting of the General Synod, issue his man-  
date to his Suffragan Bishops for the Election of  
Clerical and Lay Representatives of each Diocese,  
returnable on a day therein to be named, and there-  
upon every Bishop shall convene the Synod of his  
Diocese and proceed to hold such Election. The  
Archbishops shall also convene the Synods of their  
respective Dioceses for the same purpose, and pro-  
ceed to hold such Elections therein. On the day  
appointed for the return of the said Representatives,  
the period for which the previously existing members  
of the General Synod were elected shall be deemed  
to have expired.

11. If any person be elected a Representative for

two or more Dioceses or Districts, he shall choose for which Diocese or District he will serve, and make known his choice, in writing to the Bishop of every Diocese for which he may have been elected, within one week after he shall have received notice of his having been so elected ; and in case he shall not so make known his choice the said Bishops or Bishop, as the case may be, shall decide for which Diocese or District he shall serve, and make known such decision to him ; and thereupon the seat of such Representative, for each Diocese or District for which he will not or shall not serve, shall become vacant.

12. Any Clerical or Lay Representative may, by writing under his hand addressed to the Bishop of the Diocese for which he may have been elected, resign his seat in the General Synod ; and, upon the receipt of such resignation by the said Bishop, the seat of such Representative shall become vacant.

13. When the seat of any Representative in the General Synod shall become vacant from any cause, the Bishop of the Diocese, in which such vacancy shall have occurred, shall issue a precept for the return of a new Representative to serve in the place so vacated.

14. There shall be an ordinary meeting of the General Synod in Dublin in the year of our Lord 1871, and in every third year, dating from the year of our Lord 1871, at such time and place as shall from time to time be prescribed in that behalf by the said General Synod.

15. The Primate, or, in case of his absence or incapacity, the Archbishop of Dublin, may, at his own discretion, and shall, on the application in writing of not less than one-third of the members of any one Order of the General Synod, convene Special Meetings of the General Synod for the transaction of any business to be specified in the mandate convening the same, and no other business shall be transacted at any such Special Meeting. In case both Archbishops shall be absent or incapacitated, then the Bishop next in order of precedence for the time being shall, but only on such requisition, convene such Special Meeting.

16. The presence of at least three Bishops, twenty Clerical, and thirty Lay Representatives, shall be necessary to constitute a Meeting in full Synod; the presence of at least five Bishops shall be necessary to constitute a House of Bishops; and the presence of at least twenty Clerical, and thirty Lay Representatives, shall be necessary to constitute a House of Representatives.

17. In the transaction of any business of the General Synod both Houses shall sit and debate together in full Synod (save in proceeding upon Bills, as hereinafter provided), unless either House, or any order, shall desire to withdraw for separate deliberation.

18. When both Houses meet in full Synod, the Meeting shall be presided over by the Primate, or, in his absence, by the Archbishop of Dublin, or, in

his absence, by the Bishop next in order of precedence.

19. Every Statute or Canon proposed to be enacted by the General Synod shall be introduced as a Bill, and may be originated in either House.

20. The course of procedure upon Bills shall be as follows: Every Bill shall be read a first time without debate in the House in which it has been originated. It shall then be set down for debate upon its principle in full Synod of both Houses, but no vote shall be there taken upon it. It shall then be proceeded with by the House in which it originated, sitting apart, in such manner as that House shall by its Standing Orders provide. If it shall there pass it shall be forthwith transmitted by the proper officer to the other House, and shall be considered by the latter House sitting apart, and there proceeded with in such manner as that House shall by its Standing Orders provide.

21. If a Bill passed by one House shall also pass the other without having been amended therein, it shall become a Statute or Canon of the General Synod, and shall be recorded as such upon the books of the General Synod, and shall thenceforth be a law of the Church of Ireland, and binding upon all the members thereof.

22. If any amendments be made by one House in a Bill which shall have passed the other House, the same shall be at once communicated to the House which it has so passed, and such amend-

ments shall be considered by the last mentioned House, and if assented to, then the Bill shall be deemed to have passed both Houses, and shall be recorded and become law as aforesaid. But if such amendments shall not be all so assented to, then there shall, at the request of either House, be a Conference between said Houses to consider the matters upon which they shall have differed.

23. Such Conference shall take place in full Synod of both Houses, and thereupon the matters in difference shall be debated by both Houses together, and any amendments made that may be agreed upon. If the Bill be then assented to, either with or without amendments, by both Houses, the same shall be deemed to have passed both Houses, and shall be recorded and become law as aforesaid : if not, the Bill shall be lost.

24. If, at any time when both Houses sit together in full Synod, either House shall desire to have the opportunity of considering the matter in debate apart from the other, the further consideration thereof shall be proceeded with in each House separately.

25. When any question is put to the vote in full Synod, the Bishops present, if they desire to vote, shall vote separately from the Representatives, and if a Division be called, the Bishops shall withdraw for such Division to their own House ; and no question shall be deemed to have been carried unless there be a majority in both Houses in favour of the same.

26. The Members of the House of Representatives upon every division shall all vote together, unless upon the Division being called, six Members at least of either Order of said House shall require the votes to be taken by Orders. Upon any such requisition, the Prolocutor shall direct the votes to be taken accordingly. No question shall be deemed to be carried in the House of Representatives, unless, in case of both orders voting together, there be a majority of the Members voting of the said House, or in case of the votes being taken by orders, there be a majority of the votes of the Members voting of each of said Orders, in favour of the same. A majority of the House of Representatives shall, in case of a vote by orders, be deemed to mean a majority in each of said orders.

27. Each House may make such Standing Orders for the regulation of its procedure as it shall think fit, provided that the same be not inconsistent with any thing hereby enacted, and may from time rescind and vary the same.

28. In the House of Representatives the Clerical and Lay Members shall sit together for the transaction of all business, and shall debate all questions together, except as hereinbefore provided.

29. At the commencement of each General Synod, the House of Representatives shall elect, by a majority of all the members present, one of their number to be Prolocutor, who shall vote only in case of the equality of votes of the House of Representatives

voting together, or of either order voting separately, and in each such case shall have a casting vote ; and also another to be Deputy Prolocutor, who shall preside over the said House, in the absence of the Prolocutor, and shall then possess his privileges.

30. The Prolocutor or Deputy Prolocutor of the House of Representatives shall at all times have free admission to the House of Bishops, when his House desires to make any communication to the other House.

#### FUNCTIONS OF THE GENERAL SYNOD.

31. The General Synod shall have no judicial powers either primarily or on appeal, but its functions shall be purely legislative, and administrative.

32. The General Synod shall have power to alter, amend, or abrogate any of the enactments herein contained, and any of the Canons which now are, or at any time shall be, in force in the Church, and to enact new Canons.

33. No modification or alteration shall at any time hereafter be made in the present articles, doctrines, rites, rules, discipline, or ordinances, or, save in so far as may be rendered necessary by the passing of the Irish Church Act 1869, in the formularies of the Church, unless upon a Bill duly passed, as hereinbefore provided ; and no Bill for such purpose shall be introduced except upon a resolution, explicitly stating the proposed modification or alteration, passed at the next preceding ordinary session

of the General Synod by majorities of not less than two thirds of the members voting thereupon of each of the three orders, and which has been communicated to every Diocesan Synod at its meeting next after the session of the General Synod at which such resolution was passed; Provided that no such Bill shall be passed except at an ordinary session by a like majority of each of said orders voting.

34. The General Synod shall have full power to make general regulations as to how and by whom all patronage shall be exercised, and generally to make all such regulations as shall be necessary for the order, good government, and efficiency of the said Church of Ireland.

35. The General Synod shall have the power of controlling, altering, repealing, or superseding any Regulation which may have been made by any Diocesan Synod, so far as may be necessary to provide against the admission of any principle inexpedient for the common interest of the Church.

36. The existing territorial arrangements of the two Provinces under the government of their respective Archbishops, of the several Dioceses under the government of their respective Bishops, and of the several Parishes and Districts under the spiritual care of their respective Incumbents, shall continue as at present, unless and until the same respectively shall be altered pursuant to the laws of the Church or the provisions hereinafter contained.

37. The General Synod shall have the power of

separating Dioceses which are now united, of subdividing existing Dioceses, of uniting two or more Dioceses under one Bishop, and of transferring any District from one Diocese to another Diocese, to which such District is contiguous : Provided, that no such alteration shall be made without the consent of the Diocesan Synod of each Diocese affected thereby being first duly obtained : Provided also, that no such alteration shall be made in any Diocese during the incumbency of its Bishop without his concurrence.

38. At the conclusion of the business of the Synod, the proceedings shall be authenticated by the signatures of the Primate or other President of the House of Bishops, and of the Prolocutor, or Deputy Prolocutor, in presence of the Synod. A Committee shall be appointed by the two Houses jointly, to cause the enactments of the Synod to be duly recorded, and to cause the same, together with such parts of the proceedings as shall be ordered to be published, to be carefully printed for the general use of the Church.

### DIOCESAN SYNODS.

1. In each United Diocese and in the Diocese of Meath there shall be a Diocesan Synod, which shall consist of the Bishop, of the beneficed and the licensed Clergy in Priests' orders, and of at least one Synodsmen for each Parish and District Parochial Church in the Diocese. The Provost of Trinity College if a Clergyman, the Clerical Fellows of Trinity College,

and the Clerical Professors in the University of Dublin shall be regarded as Licensed Clergymen of the Diocese of Dublin. Every Church or Chapel, other than a District Parochial Church, which is under the charge of a Clergyman specially licensed therefor, and where not less than twenty members of its congregation shall be registered, as hereinafter provided, shall also be entitled to return at least one Synodsman. Every such Parochial District, and every such Church and Chapel, shall be taken to be included in the following enactments in the word Parish, except where the context is inconsistent with such meaning, or as hereinafter otherwise provided; and where two or more Parishes are united under one Incumbent, they shall for this purpose be deemed to be one Parish.

2. The failure of any one or more Parishes to return Synodsman shall not prevent any Diocesan Synod from proceeding to the despatch of business.

3. The number of Synodsman which each Parish shall be entitled to return to the Diocesan Synod shall be one for each of its officiating Clergymen: Provided that it shall be lawful for the Synod of any Diocese, constituted under this statute, to alter such proportion, and to enact that in future Synods of such Diocese there shall be such larger number of Synodsman as it shall think fit, not exceeding two for each Clergyman: Provided also, that in any division on the question of making such alteration there shall not be the right to call for a vote by Orders.

4. Every Layman of the age of twenty-one years,

who shall have signed a declaration in the following form shall be qualified to be elected as a Synodsmen:—

“ I, A. B. of do hereby solemnly declare that I am a member of the Church of Ireland, and a Communicant of the said Church.”

5. The Synodsmen of every Diocesan Synod shall be elected at the Easter Vestries, or at such other time as the Diocesan Synod may from time to time fix, and such previous notice of holding each such Election shall be given as the Diocesan Synod shall prescribe. They shall remain in office for a period of one year, or until the next General Diocesan Election : Provided that in case the seat of any Synodsmen shall become vacant before the expiration of the period for which he shall have been elected, the person who shall be elected to fill such vacancy shall hold his seat until the General Diocesan Election then next following, but no longer.

6. The Diocesan Synod shall make regulations for the registration and revision of lists of persons entitled to vote at the election of Synodsmen ; for the mode of voting at such elections ; for determining the validity of disputed returns ; and, generally, for ensuring the orderly, impartial and effective, conduct of such elections : Provided that, until such regulations shall have been made by the Diocesan Synod, the above-mentioned powers shall be exercised by the Bishop.

7. ~~if~~ any person be elected a Synodsman for two or

more Parishes in the same Diocese, he shall choose for which of said Parishes he will serve, and shall, within one fortnight after he shall have had notice of his being so elected, signify his choice in writing to the Bishop, and thereupon his seat for any Parish for which he shall have chosen not to serve shall become vacant. If any such Synodsman shall fail to signify his choice as aforesaid, the Bishop shall decide for which Parish he shall serve, and shall notify same to him and thereupon his seat for any other Parish shall become vacant.

8. Any Synodsman may, by writing under his hand addressed to the Bishop, resign his seat in the Diocesan Synod; and, upon the receipt of such resignation by the Bishop, the seat of such Synodsman shall become vacant.

9. When the seat of any Synodsman shall become vacant from any cause, the Bishop shall give notice to the Parish for the election of a new Synodsman in his place.

10. The persons entitled to vote at the election of Synodsmen shall be the Vestrymen of the Parish, qualified and registered as hereinafter provided.

11. The Diocesan Synod shall meet at such time and place as shall from time to time be prescribed for that purpose by the Bishop of the Diocese: Provided that there shall be a Meeting of every such Synod at least once in every year.

12. Notice of every meeting of the Diocesan Synod shall be given to every member thereof, at such time

before the day appointed for its meeting, and in such manner, as the Diocesan Synod shall determine.

13. The presence of the Bishop of the Diocese, or of his Commissary specially authorized, of one-fourth of the Clergy qualified to be members of the Synod, and of one-fourth of the Synodsmen, shall be necessary to constitute a meeting of the Synod for the due exercise of its powers.

14. The Bishop, or in his absence his Commissary specially authorized, shall preside at all meetings of the Synod; and in case of the death, resignation, or incapacity of the Bishop, or of his absence without having appointed a Commissary for the purpose, then the Archbishop, or, in the event of his absence or incapacity the Bishop of the Province next in order of precedence, shall preside, or shall appoint a Commissary, who shall preside accordingly; and every such presiding Archbishop, Bishop, or Commissary, shall exercise all the powers ordinarily exercised by the Bishop of the Diocese in the Diocesan Synod.

15. A Special Meeting of the Diocesan Synod may be convened at any time or place by the Bishop, or his Commissary thereto specially authorized, or, in case of the Bishop's incapacity, death, or resignation, by the Archbishop, or Bishop of the Province next in order of precedence, as before prescribed, or his Commissary thereto specially authorized; and a Special Meeting thereof shall be convened at any time by the like authority, upon the written requisition of not less than half the members of the Diocesan Council.

No business shall be transacted at any such Special Meeting, save such as shall be expressed in the summons convening same.

16. The Bishop, Clergy, and Laity, shall sit together in the Diocesan Synod for the transaction of all business, and shall debate all questions together.

17. If a division be called for upon any question, all the Members, except the Bishop or other President, shall vote together, unless upon the division being called, six members at least of either the Clergy or Synodsmen present shall require the votes to be taken by Orders ; in which case the votes shall be so taken.

18. No act of the Diocesan Synod shall have any force or effect unless assented to by the Presiding Bishop or Commissary ; and every act assented to by the presiding Bishop or Commissary, and by a majority of the Clergy and Synodsmen present and voting, or, by a majority of the members of each Order present and voting, in case the votes shall be taken by Orders, shall bind the Synod, and all other members of the Church in the Diocese.

19. If a majority of the Clergy and of the Synodsmen present shall be in favour of any resolution or motion, the Bishop or other President may take reasonable time to consider whether he will assent to or dissent from the same.

20. In case the Bishop dissents from the other two Orders, with respect to any proposed act of the Synod all action shall be suspended until the next annual meeting of the Synod, when, if again affirmed by two

thirds of each of the other two Orders, present and voting, it shall be submitted to the College of Bishops, whose decision shall be final.

21. Every Diocesan Synod may exercise all such powers, and make all such regulations as to the temporalities of the Church appertaining to the Diocese (not being repugnant to any law of the Church or any regulation of the General Synod) as may be deemed necessary for the welfare of the Church in such Diocese : Provided always, that any person who may consider himself aggrieved by any act of the Diocesan Synod, in the case of property held under or administered by the Diocesan Synod, may appeal to the Court of the General Synod, and in other matters to the General Synod, and the decision of such Court or of the General Synod, as the case may be, shall be final.

22. The Diocesan Synod shall have no judicial powers, but its functions shall be purely legislative and administrative.

23. The Diocesan Synod may make such Standing Orders for the regulation of its procedure as it shall think fit, provided that they be not inconsistent with anything hereby enacted, and may from time to time rescind and vary the same.

24. The Diocesan Synod, with the consent of the Representative Body of the Church, may group any number of Benefices together under one Incumbent or Minister ; or may unite any two or more Benefices permanently or temporarily ; and may alter the

boundaries of existing Benefices, and divide any Benefices now united, or any portion of a Benefice from any other portion thereof, and unite same to any other Benefice or portion of a Benefice : Provided that where any Benefice affected by such arrangements be not vacant, the consent of its Incumbent shall have been previously obtained.

25. The Diocesan Synod shall appoint a Diocesan Council yearly from among its members, which shall consist of the Bishop of the Diocese, and such equal number of Clergy and Synodsmen, and chosen in such manner, as the Diocesan Synod shall determine.

26. The Diocesan Councils shall exercise such of the powers of the Diocesan Synods as such Synod shall assign to it. All its acts shall be subject to the approval of the Bishop, and all those which shall be done under such powers shall be liable to appeal to, and revision by, the Diocesan Synod. In case any vacancy shall occur in its members, it shall have power to fill the same from the other members of the Synod in such manner as the Synod shall appoint. The Council shall have power to appoint its own ordinary times and places of meeting, to fix its own quorum, and to make bye-laws for the regulation of its proceedings, subject to the approval of the Diocesan Synod, provided the same be not contrary to the Rules of the General Synod, or to anything herein contained.

27. The Bishop shall, *ex officio*, be President of the Diocesan Council, and may convene any Special Meetings of the same that he shall think necessary.

## PARISHES AND PAROCHIAL ORGANIZATION.

1. In every Parish, as hereinbefore defined, there shall be two Churchwardens taken yearly from the Communicants thereof, one of whom shall be appointed by the Incumbent, and the other shall be elected by the registered Vestrymen, at the Easter Vestry. In case the Incumbent shall not at such Easter Vestry appoint his Churchwarden, the Vestrymen, at such Vestry or at some adjournment thereof, shall elect a second Churchwarden. The word Churchwarden shall be deemed to include Chapel-warden.

2. Every male, being a resident or owner of property in any Parish or Parochial District, and of the full age of twenty-one years, who shall sign a declaration in the following terms, viz.:—

“ I, A. B., of \_\_\_\_\_ do hereby solemnly declare that I am a Member of the Church of Ireland : ”

shall, subject as hereinafter provided, be entitled to be registered as a Vestryman of such Parish or Parochial District.

3. In every Church or Chapel, not being a Parish Church, or a District Parochial Church, every Layman of the full age of twenty-one years, who has for at least six months next preceding the time of registration been an accustomed member of the congrega-

tion attending the same for Divine worship, and who shall sign a declaration in the following terms, viz.:—

“I, A. B., of do hereby solemnly declare that I am a member of the Church of Ireland, and that I am not registered elsewhere as a Vestryman in the parish or parochial district in which I reside, nor in any other church or chapel to which no district has been assigned:”

shall, subject as hereinafter provided, be entitled to be registered as a Vestryman of such Church or Chapel.

4. It shall be in the power of each Diocesan Synod to require, as a further qualification for any person being a Vestryman, that he shall be a subscriber to the Church Funds, and to make regulations for that purpose.

5. Immediately after the passing of this statute a list shall be made out, by the Incumbent and Churchwardens of each Parish, of the persons qualified to be Vestrymen of such Parish, which shall be, as soon as conveniently may be, settled at a meeting convened of all persons claiming to be so qualified, pursuant to notice given publicly by the Clergyman at Divine Service on the two successive Sundays next preceding the day appointed for such meeting. The meeting for this purpose may be adjourned from time to time within a reasonable period, and when the list of such persons shall have been settled, it shall be recorded in

a book to be kept exclusively for that purpose by the Incumbent and Churchwardens, and shall thereupon be the Register of Vestrymen of the Parish.

6. The Register of Vestrymen shall be revised once in each year, at such stated time and in such manner as the Diocesan Synod shall appoint.

7. An appeal shall lie to the Diocesan Council in such manner as the Synod shall provide, against the admission or rejection of any person in such registration or revision, and the decision of the Diocesan Council shall be final.

8. The original Register until the first revision, and thenceforth the last revised Register shall, subject to appeal as aforesaid, be deemed conclusive evidence that the persons registered therein, and none others, are Vestrymen of such Parish, and entitled to vote as such.

9. In every Parish there shall be a Select Vestry, which shall consist of the Incumbent and his Curates, if any, the Churchwardens, and not less than three nor more than ten other persons, being Communicants, of the Church of Ireland, to be elected by the members of the Vestry out of their own number annually, at the Easter Vestry, or such other time as shall be appointed by the Diocesan Synod, and they shall hold office until the next election. The solemn declaration in writing of any person that he is a Communicant shall be sufficient evidence thereof.

10. Any vacancies occurring in the places of elected Churchwardens, Select Vestrymen, or other Parochial

Officers, by death, resignation, or otherwise, shall be filled by the Select Vestry; and any persons appointed to fill such vacancies shall continue in office till the next ordinary election.

11. In case of a like vacancy in the office of Minister's Churchwarden, it shall be filled by the Incumbent; or, in case of default by him for the space of one month after he shall have been required by the Select Vestry to fill the same, then by the Select Vestry.

12. The Select Vestry shall meet at such times as shall be fixed by themselves, or by the Diocesan Synod; and Special Meetings may be convened at any time by the Incumbent or the Churchwardens.

13. The Incumbent shall be *ex officio* Chairman of all Vestries, whether general or select, and shall have an ordinary as well as a casting vote. In the absence of the Incumbent, the Curate or senior Curate present, and if there be not any Curate present, then one of the Churchwardens, shall preside with like right of voting.

14. Subject to any enactment or regulation of the Diocesan Synod, the Select Vestry shall have the control and charge of all Parochial Charity and Church Funds not excluded from the operation of this clause by the trusts on which same are held. They shall provide all the requisites for Divine Service, and keep the Church and other Parish buildings in repair. They shall have the appointment and control, save as otherwise prescribed hereby or by the

Diocesan Synod, of all Church and Parish Officers and Servants, and shall provide for their payment.

15. The Synod of each Diocese shall define the powers and duties of the Vestry, the Select Vestry, and the Churchwardens in all matters not herein prescribed.

16. The General Vestry shall elect the Synodsman or Synodsmen of the Parish at the Easter Vestry, or at such other time as the Diocesan Synod shall fix, and shall elect persons to fill any vacancies in the Synodsmen, when duly required so to do.

17. All returns of the election of Synodsmen shall be signed by the Incumbent or other Chairman of the Vestry at which the election took place; and shall be made to the Bishop of the Diocese; and shall shew on the face of the same that the persons returned have been duly elected to represent such Parish.

## CHAPTER II.

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### STATUTE CONCERNING THE REPRESENTATIVE BODY OF THE CHURCH.

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WHEREAS it is expedient to make provision for the appointment of a Body to represent the Church of Ireland, and to hold property for any of the uses or purposes thereof, in order to meet the requirements of the Irish Church Act, 1869:

Be it therefore enacted by the Archbishops and Bishops, and the Representatives of the Clergy and Laity of the Church of Ireland, assembled in Dublin in General Convention, as follows :—

1. The Body to represent the Church of Ireland, and to hold property for the uses and purposes thereof, in the Irish Church Act, 1869, called the Representative Body of the said Church, and herein-after called the Representative Body, shall consist of

all the Archbishops and Bishops of the said Church for the time being, and of one Clerical and one Lay Member for each Diocese, and of such number of other persons, chosen as hereinafter in that behalf provided, as shall be equal to the number of the said Dioceses for the time being. The word Diocese throughout this Statute shall signify any Diocese, or United Diocese, under the jurisdiction of a single Bishop

2. The Clerical and Lay Members of the said Body for each Diocese shall be elected by the Clerical and Lay Representatives of that Diocese in the General Convention or the General Synod, as the case may be; the Clerical Representatives present voting for the Clerical Members, and the Lay Representatives present voting for the Lay Members, only. Such members are hereinafter called the Elected Members.

3. The Clerical Members shall be Clergymen of the said Church, in Priest's orders, and the Lay Members shall be members of the said Church, of full age.

4. The other persons, who are hereinafter called the Co-opted Members, shall be chosen as follows:— the Archbishops and Bishops and the Elected Members shall choose a number of fit and proper persons, being lay members of the Church, equal to the number of Dioceses for the time being, and shall submit the names of the persons so chosen to this General Convention for its approval. The General Convention may, within one week after the said

names shall have been so submitted to it, by Resolution, reject said persons or any one or more of them, and substitute the names of any other persons for those so rejected ; but in default of such rejection and substitution, or so far as the same shall not extend, the persons whose names shall have been so submitted shall be taken to have been approved, and they shall thereupon be members of the said Body.

5. Upon the passing of this Statute, the Representatives of each of said Dioceses shall proceed to elect one such Clerical and one such Lay Member in manner hereinbefore provided. The Archbishops and Bishops, and the twenty-four Elected Members shall thereupon, as soon as conveniently may be, co-opt twelve other fit and proper persons, and submit their names for approval as aforesaid.

6. The said Elected Members shall retire from office by rotation ; one third, or if at any time hereafter, their total number shall not be a multiple of three, then the number nearest to one third, of the Clerical and of the Lay Members respectively so retiring at each ordinary Triennial Session of the General Synod. The vacancies so occasioned shall be filled during each such Session by the Clerical or Lay Representatives, as the case may be, of each Diocese for which any such vacancy shall occur, in the manner hereinbefore provided.

7. The rotation according to which the Elected Members shall so retire, shall be one of Dioceses,

and shall be so arranged, as that the Clerical and Lay Members for the same Diocese shall not retire together. Such rotation shall be determined by the Representative Body.

8. The said Co-opted Members shall also retire from office by rotation, one third, or if at any time hereafter, their total number shall not be a multiple of three, then the number nearest to one third, retiring at each ordinary Triennial Session of the General Synod. Those to retire at the first and second of such Sessions, shall be determined by lot, and at each such subsequent Session, those longest in office shall retire. In case any question shall arise as to which of such Members, who have been the same time in office, shall retire, it shall be decided by lot. •

9. All Members of the said Body, whether Elected or Co-opted, who shall so retire, shall be capable at any time of being re-elected.

10. Any Elected or Co-opted Member may, by writing under his hand, addressed to the Primate, resign his place.

11. Any casual vacancy by death, resignation, or otherwise, occurring among the Elected Members, shall be filled, as soon as conveniently may be, by the Clerical or by the Lay Representatives, as the case may be, for the time being, of the Diocese for which such vacancy shall have occurred.

12. Any such vacancy occurring among the Co-opted Members shall be filled by the Representative Body:

Provided that the names of any persons so co-opted shall be laid before the General Synod at its next Session ; and any such person may be removed by the General Synod, and any other person substituted for him in like manner as hereinbefore provided.

13. Any person elected or co-opted to fill a casual vacancy shall hold office only as long as the person whose place he fills would have held office, if no such vacancy had occurred.

14. The Representative Body of the Church shall hold all property which shall become vested in it in trust for such objects and purposes, and in such manner, so far as lawfully may be, as the General Synod shall ordain and direct ; and shall be subject to the order and control of the General Synod, in all matters not provided for by the laws of this realm.

15. It shall possess, and may exercise, such of the powers vested in the General Synod as shall be by the General Synod from time to time committed to it.

16. The Representative Body shall have power to appoint Sub-Committees of its members, to make Bye-laws for the regulation of its procedure, and to appoint and pay such officers and clerks as it shall deem necessary. Any Bye-laws so made shall be laid before the General Synod at its next Ordinary Session, and shall be subject to its approval.

17. The Representative Body shall lay a statement of its accounts, and a Report of its proceedings, be-

fore the General Synod at each ordinary Session, commencing from the termination of the last preceding statement or report, if any.

18. The Representative Body shall, as soon as conveniently may be after its appointment, apply to Her Majesty for a Charter of Incorporation, pursuant to the provisions hereinbefore contained, or as near thereto as may be.

## CHAPTER III.

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### STATUTE CONCERNING THE ELECTION OF BISHOPS AND APPOINTMENT OF MINISTERS TO CURES.

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WHEREAS it is necessary to make provision for the election of Bishops, and the appointment of ministers to cures after the 1st of January, 1871 :

Be it therefore enacted by the Archbishops and Bishops and Representatives of the Clergy and Laity of the Church of Ireland assembled in Dublin in General Convention as follows :—

#### BENEFICED CLERGYMEN.

1. For the purposes of the nomination of Clergymen to the Bishop for institution to a vacant cure of souls there shall be a Committee of Patronage in each Diocese, to be elected as hereinafter provided.

2. Each Diocesan Synod shall, as soon as conveniently may be after the election thereof, elect by voting papers, or otherwise as the said Synod shall determine, three lay and three clerical members of such Synod to be the Committee of Patronage for the Diocese, and shall also elect in like manner three Lay and three Clerical members of such Synod, whose names shall appear upon a supplemental list from which vacancies in the Committee, which may occur

by death, resignation, absence or removal from the Diocese, inability to attend, or otherwise, shall be filled up, as the Diocesan Synod may direct: Provided that in the case of United Dioceses, it shall be in the power of the Diocesan Synod to elect a separate Committee of Patronage for each Diocese comprised in the United Diocese.

3. The Committee of Patronage shall hold office from the date of the election thereof until the next ensuing election of the Diocesan Synod: Provided that such Committee shall continue to hold office for the purpose of completing any business connected with the filling of a vacant benefice pending before it at the time of the election of Diocesan Synods, but not further or otherwise, until such business shall have been completed.

4. The parishioners of each parish, parochial district, or union of parishes under one incumbent, and in the case of Chapels without districts, the congregations, at a vestry to be held as soon as possible after the 1st day of January, 1871, and at the Easter Vestry in each succeeding year, commencing with the Easter Vestry in the year 1872, shall elect three persons, whose qualifications shall be the same as for the members of the Diocesan Synod, to be the nominators for the said parish.

5. The nominators so appointed in 1871 shall hold their office until the Easter Vestry to be held in 1872, and the nominators shall be at all times capable of re-election.

6. Upon the occurrence of any vacancy by death or otherwise in the number of the nominators during their period of office, it shall be lawful for the parishioners at a special vestry to elect a person qualified as above-mentioned to fill up such vacancy.

7. In the event of the Vestry of any Parish failing to elect nominators or supply a vacancy within one month after it occurs, it shall be competent for the Committee of Patronage of the Diocese to appoint nominators, or to supply such vacancy.

8. The parochial nominators in office at the time of the cure of the parish, parochial district, chapelry, or union becoming vacant, or at the time of a Clergyman giving notice of his intention to resign, shall continue in office until the institution of his successor, without prejudice to the election of nominators at any Easter Vestry which may occur pending the nomination or institution of such successor.

9. When a vacancy shall occur in a cure of souls in any diocese, the Committee of Patronage of the diocese, with the parochial nominators of the parish, parochial district, chapelry, or union so vacant, shall form a Board of Nomination, and shall nominate three Clergymen being in priest's orders, and otherwise fitted and willing to undertake such cure, and shall return the names of such Clergymen to the Bishop of the Diocese. That the time and manner of the summoning and meeting of such Board of Nomination, and the mode of their proceedings in such nomination, and the number to form a quorum, shall be determined by the Diocesan Synod.

10. It shall be the duty of the Bishop to institute one of the Clergymen nominated as aforesaid, if he shall be satisfied of his fitness; but if he shall not be satisfied of the fitness of any of them, he shall give notice thereof in writing to the Board of Nomination, and also his reasons for refusing to institute.

11. Two-thirds of the Board of Nomination including two of the three parochial nominators, may appeal to the College of Bishops against such rejection, and the form of such appeal, and all the procedure thereupon, and the time to be limited therefor shall be settled and determined and the rules and orders regulating the same shall be published by the College of Bishops.

12. When no nomination shall be returned to the Bishop within six months after the vacancy in any cure of souls shall have occurred, the appointment to the cure shall lapse to the Bishop.

13. It shall be lawful for the nominators for any parish, parochial district, chapelry, or union, upon the occasion of a vacancy in the cure thereof, to signify to the Bishop of the Diocese under their hands that they desire to leave the nomination of such cure to the Bishop, and thereupon such Bishop shall institute any duly qualified clergyman whom he may think fit.

14. Nothing hereinbefore contained shall be deemed or taken as affecting the rights of patronage preserved by the 70th section of 'The Irish Church Act, 1869,' but in all cases where such right of patronage is pre-

served, the Ordinary shall act as he is now legally bound to do.

15. In case of any parish of which the Parish Church is a Cathedral, which the Diocesan Synod shall decide to maintain as a Cathedral, it shall be competent for the Bishop, with the consent of the Diocesan Council, to attach the Cure of the parish to any office in the Cathedral at his own discretion.

16. In cases of private endowments, it shall be competent for the Board of Nomination for any parish, parochial district, chapelry, or union, at a meeting to be specially convened for that purpose, which meeting it shall be the duty of the Bishop of the Diocese to summon, upon the request, in writing, of any private benefactor or benefactors contributing to the endowment for Church purposes of such parish, parochial district, chapelry, or union, to enter into an agreement with such benefactor or benefactors, and thereby to determine in what manner the right of presentation shall be exercised for the future, and to vest the right of Patronage accordingly, subject to the approval of the Representative Body: Provided always that in these cases two-thirds of the members of the Board shall form a quorum, and that any such agreement must have the approval of two-thirds of the members present at such meeting of the Board, including two of the three parochial nominators, and that the Bishop of the Diocese shall always be present at such meetings of the Board, and act as chairman thereof, and vote at such meeting.

17. A Clergyman resigning shall not withdraw from the duties of his cure until the acceptance by the Bishop of his resignation shall have been registered in the Diocesan registry, and notified by the Bishop to the Churchwardens.

18. Whenever any Clergyman shall have sent a formal written notice to the Bishop of his intention to resign his cure, which notice shall fix a definite time at which the resignation is intended to take effect, the Bishop if he determine to accept such resignation shall notify at once such intention of resignation to the parochial nominators; and such cure shall be declared by the Bishop to be vacant at the expiration of the time specified in the notice of resignation.

19. The Churchwardens or Trustees of any Church shall allow the free use of such Church during any vacancy in the cure to such Clergyman as shall be authorized to officiate therein by the Bishop.

20. A Clergyman duly admitted to a cure shall be deemed incumbent thereof, and shall not be removable therefrom without his consent, unless upon the decision of the competent tribunal, constituted by the General Synod in that behalf.

21. No member of the Board of Nominators shall be deemed capable of legally performing any of the duties of his office, unless he shall sign the following declaration.

I, A. B., \*[do solemnly declare that I am a member

\* Omit the words in brackets when the declaration is made by a Clergyman.

of the Church of Ireland, and a communicant at the Church of [redacted], and] being fully sensible how important it is that the cure of souls should be committed only to those well fitted and qualified to undertake the same do [further] solemnly declare that I nominate such person only as I believe in my conscience to be of such pure and godly conversation and manners as to be fitted for admission to the cure of souls of the parish of [redacted], and that I am not acting herein through favor or affection but in singleness of heart for the glory of God, the good of his Church and the welfare of His people.

*(Signed)* A. B.

*Dated the day of*

And such declaration shall be signed by the members of such Board, respectively, at each meeting before proceeding to the business thereof, and the declaration so signed shall be attached to, or transmitted with, any nomination report or proceedings of the Board.

#### ARCHBISHOPS AND BISHOPS.

1. From and after the first of January, 1871, when any Episcopal See shall become vacant, the Archbishop of the Province shall, within one month after such vacancy, convene the Diocesan Synod, for the election of a successor. And if the Archiepiscopal See of the Province shall be vacant, or the Archbishop be incompetent, then the person for the time being authorized to convene the Diocesan Synod, shall convene the same.

2. The Diocesan Synod shall thereupon meet, and at such meeting the Clerical members thereof shall choose by voting papers three Clergymen of not less than 30 years of age, one of whom at least shall not belong to the Diocese or United Diocese so vacant.

3. The names of the Clergymen so chosen shall be submitted for approval to the Lay members of the said Synod, who shall approve of or reject the said three names, or any of them, by a majority of votes to be given by Ballot; and in case the said three names shall be approved of by the Lay members of the Synod, such names shall be transmitted to the College of Bishops.

4. At such meeting no Clerical member of the said Synod shall be entitled to vote for himself, and no Clergyman shall be submitted to the Lay members of the Synod who shall not have the votes of at least two thirds of the Clerical members of the Synod present and voting at such meeting.

5. In case and so often as the Lay members of the Synod shall reject one or more of the names of the Clergymen so presented for their approval, the Clerical members of the Synod shall proceed to choose in like manner as at first a Clergyman or Clergymen qualified as aforesaid, and shall submit the same to the Lay members of the Synod, who shall approve of or reject such name or names by ballot as before.

6. It shall not be lawful for the Clerical members of the Synod to submit for the approval of the Lay members the name of any Clergyman after

that name has been twice rejected by the Lay members of the Synod at such meeting.

7. The names of the Clergymen so selected shall be forthwith transmitted by the said Synod to the person for the time being authorised to convene the College of Bishops to be by him laid before the College of Bishops, together with a return of the number of the Members of each order of the Diocesan Synod who appear by the several scrutinies to have voted for each of the said Clergymen.

8. Such return shall be made by the said Synod within three months from the date of its meeting, and in default of such return being made within the said period of three months the appointment of the Bishop shall lapse to the College of Bishops.

9. The person for the time being authorised to convene the College of Bishops shall within ten days after the receipt of the names and return aforesaid, convene the College of Bishops, and shall lay such names and return before them.

10. The College of Bishops shall thereupon elect one of the said Clergymen by the majority of the votes of the said College to be the successor to the said See, and shall declare such Clergyman duly elected to the vacant See.

11. Upon every meeting of the Diocesan Synod for the election of a Bishop, and before any member thereof shall be deemed entitled to vote at such meeting, he shall sign a declaration in the words following :—

“ We, whose names are underwritten, bearing in mind how important it is that the sacred office of a Bishop should not be unworthily conferred, do solemnly declare, each for himself, that we record our votes at this election for such persons only as we in our conscience believe to be of such learning and soundness in the faith, and of such virtuous and pure manners and conversation as to be fitted and qualified for the holy office of Bishop: and we further solemnly declare that we are not acting herein through favour or affection, but in singleness of heart for the glory of God, the good of His Church, and the welfare of His people.”

12. At the meeting of a Diocesan Synod for the Election of a Bishop two thirds of the number of the Members of each Order of the said Synod must be present to form a quorum.

13. When a vacancy occurs in one of the Archiepiscopal Sees, the Synod of the vacant Diocese shall proceed to an election as in the case of other Dioceses; but two at least of the three names returned to the College of Bishops shall be those of Bishops. If the Synod of vacant Archiepiscopal See shall have sent up the name of a Presbyter, and the College of Bishops shall have selected a Bishop, the name of that Presbyter shall be one of the three submitted to the College of Bishops in filling up the See so made vacant.

[Great difficulty having been felt in arriving at

any completely satisfactory solution of the question treated of in paragraph 13, the Committee agreed to lay before the Convention the following propositions, which formed a part of the Report of the Sub-Committee charged with the duty of reporting upon this subject, viz.:—

- “ When a vacancy occurs in the Primacy it shall be lawful for the Diocesan Synod of Armagh to elect three Clergymen to be submitted to the College of Bishops, with the same provisions as to lapse as are hereinbefore provided, and the College of Bishops shall elect one of said Clergymen to be Bishop as hereinbefore provided.
- “ When such Bishop shall have been elected the College of Bishops shall meet, including the Bishop elect, and out of their number shall elect a Bishop to succeed to the vacant See of Armagh. If the College of Bishops shall elect the then Archbishop of Dublin to the See of Armagh, they shall elect one of their number to succeed to the Archiepiscopal See of Dublin, and the newly designated Bishop shall succeed to the See of the Bishop so elected to the Archbishoprick ; and if the College of Bishops shall elect a Bishop to the See of Armagh, then the newly designated Bishop shall succeed

to the See of the Bishop so elected to the See of Armagh, and the same rule shall apply *mutatis mutandis* to the filling of a vacancy in the Archiepiscopal See of Dublin.”]

#### DEANS AND ARCHDEACONS.

14. The appointment of Deans, Dignitaries, and all subordinate Officers in any Cathedral shall be made by the Bishop of the Diocese.

15. The appointment of Archdeacon shall be made by the Bishop of the Diocese, but the office shall not of necessity be connected with any particular benefice, but may be held by any beneficed Clergyman within the Diocese.

## CHAPTER IV.

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### STATUTE OF ECCLESIASTICAL TRIBUNALS, 1870.

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Whereas, it is necessary that Tribunals be established for the maintenance of sound Doctrine and Discipline, and for the decision of Questions relating to Church Property : Be it therefore enacted by the Archbishops and Bishops and the Representatives of the Clergy and Laity of the Church of Ireland, assembled in Dublin in General Convention, as follows :—

I. For the determination of cases involving questions of Doctrine and Discipline, and of all claims and disputes or differences by or between members of the Church, concerning any Church or Chapel, or the Pews or Sittings therein, or the Burial-ground thereof, or concerning any Glebe or Glebe Lands or other Church property, there shall from and after the 1st day January, 1871, be constituted the Tribunals herein-after defined, which shall possess the powers and proceed in the manner hereinafter prescribed, and shall be called the Courts of the several Dioceses and United Dioceses, and the Court of the General Synod.

II. There shall be a Diocesan Court in each Diocese or United Diocese, to hear and determine all cases in which any Clergyman, Lay Office-bearer, or Trustee of the Church holding office within such Diocese or United Diocese, and subject to the jurisdiction of the said Court, shall be charged with any offence against the "Statute of Ecclesiastical Offences, 1870," or against any other Law or Canon which shall be in force for the time being.

III. The Archbishop or Bishop of each Diocese or United Diocese, as the case may be, shall immediately after the 1st day of January, 1871, and afterwards from time to time as occasion may require, appoint a fit and proper person as Chancellor to sit with him in the Diocesan Court as his Assessor, who shall be a Barrister of ten years' standing at the least at the Irish Bar, and shall hold office for life, or until resignation or order of removal by the Archbishop or Bishop, as the case may be, founded upon a resolution of the Diocesan Synod: Provided always that nothing herein contained shall prevent the same person from holding office as Chancellor in two or more Dioceses or United Dioceses: And provided also that in case of the disability of any Archbishop or Bishop to sit in his Court by reason of illness or any other hindrance, such Archbishop or Bishop shall have power to appoint a Bishop or Clergyman to sit for him and in his place.

IV. The Archbishop or Bishop, as the case may be, shall immediately after the 1st day of January, 1871, and afterwards from time to time as occasion may require, appoint a fit and proper person to be the Registrar of the Diocese or United Dioceses, who shall hold office for life or until resignation or an order of removal by the Archbishop or Bishop.

V. In case of the illness or incapacity to act of any Chancellor or Registrar, a statement of the circumstances whereof shall be filed in the Registry of the Diocese or United Diocese, as the case may be, of which he is Chancellor or Registrar, the Archbishop or Bishop having power over such Diocese or United Diocese may appoint under his Episcopal seal (which appointment shall be filed of Record) a fit and proper person to act as Chancellor or Registrar, as the case may be, of such Diocese or United Diocese during such illness or incapacity; and every person so appointed shall have all the powers and perform all the duties of the Chancellor or Registrar, as the case may be, for whom he is appointed to act: Provided always that such Deputy Chancellor shall be qualified as hereinbefore provided with respect to the Chancellor.

VI. Every Chancellor, Deputy Chancellor, Registrar and Deputy Registrar, shall before entering upon the duties of his office make and sign a declaration in the following form, "I do solemnly and

sincerely declare that I am a member of the Church of Ireland, and that I will faithfully and to the best of my ability execute the office of Chancellor or Registrar (*as the case may be*), within the Diocese or United Diocese (*as the case may be*), of (*as the case may be*), without fear, favour, affection or malice.

VII. The Archbishop, Bishop, or Diocesan Council, or any member of the Church who shall have signified in writing his submission to the authority of the General Synod, having any charge cognizable by such Diocesan Court against any person under the jurisdiction of the said Court, shall lodge the charge in writing, signed by the accuser, with the Registrar of the Diocese or United Diocese in which the accused person shall reside or hold office: Provided that any charge involving doctrine, except promoted by the Archbishop or Bishop, must proceed from at least four male communicants of full age, who have signified in writing their submission as aforesaid to the authority of the General Synod: Provided also that the person or persons making such charge shall, except in the case of the Diocesan Council, be resident within such Diocese or United Diocese, or shall have been personally injured or aggrieved by the act complained of. Such charge shall be in the form set forth in the schedule A hereunto annexed, or as near thereto as the nature of the case will admit.

VIII. The person or persons preferring the charge shall also (except in the case of the Archbishop, Bishop, or Diocesan Council) either execute a bond to the Registrar of the Diocese, with two sufficient sureties to be approved of by the Registrar, for such reasonable sum (not exceeding £50) as the Chancellor or Registrar shall deem sufficient for security of the person accused, binding the accuser to pay the costs of the preliminary proceedings, and all such costs and expenses of the proceedings as he or they may be ordered to pay by the Diocesan Court, or the Court of the General Synod as hereinafter provided; or shall lodge such sum with the Registrar for the same purposes.

IX. The Registrar shall, within seven days after such bond shall have been executed, or money lodged, send a copy of the charge to the person accused, in a registered letter addressed to his last known place of abode, and, after receiving an answer from him (or, if no such answer shall in the meantime have been received, after the expiration of seven days from the day on which such copy of the charge shall have been sent to the accused) lay before the Archbishop or Bishop as the case may be, the said charge and the answer thereto, if any, of the person accused.

X. Whenever a charge is preferred by any person or persons other than the Archbishop or Bishop or the Diocesan Council, then the case shall be enquired

into by the Archbishop or Bishop, as the case may be, and the Diocesan Council, in such way as he and they shall think best, and if they shall be of opinion that no sufficient cause exists for proceeding to trial, the case shall be dismissed. If the Bishop and the Diocesan Council shall also pronounce the charge to be frivolous and vexatious, the Chancellor shall upon the application of the person accused, order his costs and expenses, to an amount to be stated in the order, to be paid by the person by whom the charge was preferred, and shall dispose of the deposit, if any, accordingly: Provided always that where a Clergyman shall be charged with a deviation from any practice prescribed by the Rubrics of the Book of Common Prayer, it shall be competent for the Bishop and Diocesan Council on such preliminary enquiry in their discretion to order that the charge shall not be further proceeded with.

XI. In all cases where a charge is preferred by the Archbishop or Bishop or the Diocesan Council, or where a charge, preferred by any other person or persons, is not dismissed or ordered not to be further proceeded with under the next preceding section, it shall be the duty of the Registrar to apply to the Chancellor for a citation, who shall thereupon issue a citation under his hand requiring the attendance of the accuser and the accused person before the Diocesan Court, to be held at such time and place as the Chancellor shall in such citation appoint. Provided

that such Court shall be held not less than one fortnight nor more than three calendar months after the date of such citation.

XII. It shall be competent for the Archbishop or Bishop, as the case may be, if the accused be a Clergyman, or for the Diocesan Council, if the accused be a Lay Office-bearer, to inhibit the person accused from exercising his office, until final judgment shall have been given in the Diocesan Court, or Court of the General Synod; and in case the person accused shall be a Clergyman, it shall be competent for the Archbishop or Bishop, as the case may be, and in case he shall be a Lay Office-bearer, for the Diocesan Council, to appoint a substitute to act so long as the inhibition shall continue in force.

XIII. The Chancellor shall, at the instance of either of the parties, issue letters to persons whose evidence may be needed at the trial, requesting them to attend at such time and place as aforesaid, and, if necessary, requesting them also to bring with them such books and writings relating to the matters in issue as may be in their possession or power.

XIV. When any witness shall be unable or unwilling to attend, the Chancellor may at any time after the issue of the citation appoint, in such manner and on such terms as he shall see fit, a Commissioner to take the testimony of such witness,

and such witness may be examined, cross-examined, and re-examined by the parties or their agent or counsel, before such Commissioner. The examination shall be reduced to writing and signed by the witness and the Commissioner; and the same shall be forthwith transmitted by him under seal to the Chancellor, and shall, without further proof, be received in evidence by the Court.

**XV.** The charge may at any time, by permission of the Court, be amended in such manner and on such terms as it shall think fit and necessary for the purposes of justice, provided that the substance of the charge be not varied by any such amendment.

**XVI.** If the accused person shall at any time before the trial, by writing under his hand, confess the truth of the charge and consent that the Archbishop or Bishop, as the case may be, shall forthwith pronounce sentence upon him, the Archbishop or Bishop shall accordingly pronounce such sentence as he shall think fit, not exceeding the sentence which might have been pronounced if proceedings had gone on in the ordinary course ; and shall make such order as to costs and as to the disposal of the deposit, if any, as he shall think fit.

**XVII.** The evidence of the witnesses present shall be given *vivâ voce* and shall be taken down in writing by the Chancellor, or as the Court shall direct.

**XVIII.** The Court after hearing the parties, their agents or counsel, and the witnesses, shall consider the evidence and deliver judgment, which shall be reduced to writing.

**XIX.** If the judgment be one declaring the defendant guilty of any Charge, the defendant, or his agent or counsel, shall have leave to speak in mitigation of punishment before sentence is passed. Thereupon, or upon some day to be named by the Court, the Archbishop or Bishop, as the case may be, shall, in open Court, pronounce sentence according to the Canon "of Ecclesiastical Offences, 1870," or such other Law or Canon as shall be in force in that behalf for the time being.

**XX.** In any case in which an Archbishop or Bishop shall be himself a prosecutor, and which shall not involve a question of doctrine, it shall be lawful for him to direct same to be heard by his Chancellor sitting as sole judge ; and whenever it shall involve a question of doctrine, to send letters of request to the Court of the General Synod ; and such direction or letters of request shall suffice to confer jurisdiction on such Chancellor or Court in such case.

**XXI.** The plaintiff or defendant shall be at liberty to appeal from the sentence of the Diocesan Court to the Court of the General Synod.

XXII. The full Court of the General Synod shall consist of the Archbishop of Armagh and the Archbishop of Dublin, together with the Bishop first in order of precedence, and three laymen to be selected as hereinafter provided. If either of the said Archbishops or the Bishop shall be unable to attend, the Bishop or Bishops next in the order of precedence shall fill his or their place or places. The General Synod shall name not more than ten or less than six Lay members of the Church of Ireland, from whom the Lay Judges of said Court shall be selected, who shall be, or who shall have been, Judge of any Court of Equity or Common Law in Ireland, or who shall be or shall have been Judge of the Court of Probate or of the Court of Admiralty or of an Ecclesiastical Court in Ireland, or a Master in Chancery ; and a list of such names shall be lodged with the Registrar of the Diocese of Dublin, who shall be Registrar of the Court of the General Synod.

XXIII. The Registrar shall summon for each trial, together with the three Prelates, the three laymen able and willing to attend, whose names shall appear first on the said list, to sit on such trial : Provided always that not less than two Prelates, and two Laymen, shall form the Court for any trial, or for the decision of any case, and that in case five only of the members of said Court shall be present, then the junior of that Order, of which three members shall attend, shall withdraw, so that the Court shall consist of an equal number of each Order.

**XXIV.** The plaintiff or defendant desirous of appealing shall state the grounds of the appeal in writing in the form set forth in the Schedule B hereunto annexed, or as near thereto as the nature of the case will admit, and shall lodge the same, within fourteen days after sentence, with the Registrar of such Court of the General Synod; and shall also lodge with the Registrar of the Court a sum not exceeding £50, as the Registrar shall think fit, as security for the probable costs of the appeal, or execute to the Registrar a bond, with two sufficient sureties to be approved of by the said Registrar, for that amount—conditioned for the payment of such costs as may be ordered to be paid by the appellant; and thereupon it shall be the duty of such Registrar to send a copy of such appeal to the Archbishops of Armagh and Dublin; and the Archbishops, or one of them, shall fix a time and place for hearing such appeal, and the Registrar shall summon each member of the Court to attend at such time and place.

**XXV.** The Registrar, within one week after such appeal shall have been lodged, shall require the Registrar of the Diocesan Court to return to the Court of the General Synod the charge and the defendant's answer (if any) thereto, the notes of the evidence taken in the Court below, and the written judgment of the Court; and the Diocesan Registrar shall forthwith return the same, authenticated by his signature.

XXVI. After hearing the parties, or their agents or counsel, the Court shall deliver judgment, which shall be final, and which judgment shall be reduced to writing.

XXVII. The Court of the General Synod shall have power to set aside, vary, or confirm, the judgment or sentence of the Diocesan Court, and to direct by whom the costs of the appeal are to be borne, and to dispose of the deposits (if any) accordingly.

XXVIII. The decision of the majority of the members of the Court of the General Synod in attendance shall be the decision of the Court, but if the Court sitting as an Appellate Court shall be equally divided in opinion, the decision of the Court below shall stand.

XXIX. Any Archbishop or Bishop, or any member of the Church who shall have signified in writing his submission to the authority of the General Synod, having a charge against an Archbishop or Bishop, shall prefer the same in the said Court of the General Synod. The course of proceeding in such cases shall be the same as in ordinary cases, or as near thereto as may be, save only that the preliminary enquiry as to the sufficiency of the cause for trial shall be before the Bench of Bishops instead of before the Diocesan and his Diocesan Council: Provided that any charge involving doctrine, except promoted by an

Archbishop or Bishop, shall proceed from at least six male communicants of full age ; Provided also, that in case of the trial of an Archbishop or Bishop, no person who shall be either plaintiff or defendant in the case, shall sit either on the preliminary enquiry or on the trial : Provided also, that in all such cases, and in all cases involving any question of doctrine in the hearing of which the said Court shall be a Court of original jurisdiction, it shall consist of not less than three Prelates and three Laymen : And provided also that no sentence of deposition, deprivation, or removal against an Archbishop or Bishop shall be passed unless two at least of the three Prelates sitting as members of the Court shall concur therein.

XXX. The Courts hereinbefore mentioned shall be open to the public unless the Judge or Judges shall deem it expedient to sit in private on account of the matter of the enquiry or misconduct of the audience or any other urgent reason, in which case each of the parties may have six men chosen by himself to form an audience.

XXXI. The Judge or Judges may from time to time adjourn the Court as he or they shall deem fit.

XXXII. Every person who shall be called as a witness either for or against the defendant on any trial or appeal shall before he give any evidence make a solemn declaration that he will speak the truth, the whole truth, and nothing but the truth.

XXXIII. When the Court shall have signed its judgment or sentence, the same shall be filed of record in the Registry of the Diocese or Court of the General Synod.

XXXIV. Except in cases of breach of trust, the Diocesan Court, and the Court of the General Synod, save when sitting as Court of Appeal, shall take cognizance of no accusation, which shall not have been preferred within two years after the commission of the offence complained of.

XXXV. In any suit or other proceeding before a Diocesan Court there shall be no appeal without the special leave of the Court from any interlocutory order not having the effect of a definitive sentence, until a definitive sentence shall have been pronounced thereon ; but when a definitive sentence shall have been pronounced any party appealing therefrom, may also appeal from such interlocutory order.

XXXVI. No bond, given as a security for costs, shall be put in suit without the leave of the Court.

XXXVII. The several proceedings on all trials, or appeals, shall be preserved by the Registrar of the Court in which such trial or appeal, shall be heard.

XXXVIII. It shall be competent for the Chancellors of the Dioceses of Armagh and Dublin to make, with the sanction of the respective Archbishops, all such orders as may be necessary for regulating proceedings in all Diocesan Courts and to alter and rescind the same. And it shall be competent for the Judges of the Court of the General Synod to make all such orders as may be necessary for regulating the proceedings in said Court of the General Synod: Provided that the orders so made or altered shall not be repugnant to any of the provisions herein contained. All such orders shall be laid before the General Synod at the session next after the making of the same.

### S C H E D U L E A .

#### *Form of Charge.*

I, A. B. of , a member of the Church of Ireland, do hereby charge that C. D. now of , being a (*here state the particular cure, office, or trust held by the accused*) in the said Church, did on or about the day of , in the Parish of , Diocese of (*here state particularly and clearly the offence charged*) contrary to the provisions of the Canons of 1870, on which charge I desire that the said C. D. be duly brought to trial. And I solemnly declare that I believe the charge hereinbefore made to be true.

A. B.

*Dated this day of .*

SCHEDULE B.

### *Form of Appeal.*

C. D.

Dated this                    day of

## CHAPTER V.

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### STATUTE OF ECCLESIASTICAL OFFENCES, 1870.

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Be it enacted by the Archbishops and Bishops and the Representatives of the Clergy and Laity of the Church of Ireland, assembled in Dublin in General Convention, as follows :—

I. Whatever breach or violation of the Ecclesiastical Law of the United Church of England and Ireland on the part of any Bishop or Clerk, was at the time of the passing of the Irish Church Act an offence punishable by law, shall, except in cases where such law shall pursuant to the powers and in the manner by this code provided, have been altered, continue to be, and in the cases of such alterations any breach or violation of the substituted provisions shall be an offence cognizable by the tribunals which have been hereinbefore constituted, and it shall be lawful for such tribunals to award against offending Bishops and Clerks the same punishments by monition, suspension, or deprivation from benefice and office, or from either,

or degradation, as under the laws in force at the passing of said Act the Ecclesiastical Courts were competent to decree in respect of the same or similar offences.

II. In every case in which an order shall be made either by the Diocesan Court or the Court of the General Synod, directing that any act shall be done or any practice discontinued by any Clergyman, and such Clergyman shall refuse or neglect to do such act, or discontinue such practice, such Clergyman shall be guilty of the offence of contumacy, and shall be liable to be punished by the Court whose orders shall have been disobeyed, by suspension from office for such period as the Court shall think fit.

## RECOMMENDATION OF COMMITTEE.

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THE Committee desire to accompany the Draft Constitution, which they have proposed and now submit to the Convention, with the observation, that it did not appear to them to be within their province to consider the propriety of modifications of the existing ecclesiastical law and discipline ; nor in any case, would the limits of time at their disposal have permitted an adequate examination of so important and extensive a subject. The omission is however of less consequence, as no such modification can, under the 20th Section of the Irish Church Act, be made before the 1st of January, 1871.

Feeling that it is desirable to afford full information, in reference to the existing law, to the first legislative body of the Church which under the statute shall be capable of dealing with the subject, the Committee recommend to the Convention, that a Committee shall be appointed to revise the Canons of 1634, and to enquire and report to the first General Synod that shall meet after the 1st of January, 1871, whether any, and if so, what modifications or alterations in the existing law are rendered either necessary or advisable in consequence of the altered circumstances of the Church ; and also, how far it is either expedient or practicable to codify the law of the Church.

The Committee further recommend to the Convention, that such Committee shall consist of the persons hereinafter named, some of whom have already made some progress in the proposed enquiry.

HIS GRACE THE LORD PRIMATE.

HIS GRACE THE LORD ARCHBISHOP OF DUBLIN.

THE LORD BISHOP OF MEATH.

THE LORD BISHOP OF OSSORY.

THE LORD BISHOP OF KILLALOE.

THE RIGHT HON. THE JUDGE OF THE PROBATE COURT.

THE RIGHT HON. M. LONGFIELD, LL.D.

THE RIGHT HON. JOHN T. BALL, LL.D., M.P.

WILLIAM BROOKE, Esq., M.C.

GEORGE BATTERSBY, Esq., LL. D., Q. C.

J. F. ELRINGTON, Esq., LL.D., Q. C.

THE HON. AND REV. WM. C. PLUNKET.

THE VEN. THE ARCHDEACON OF MEATH.

THE REV. GEORGE SALMON, D. D.

DR. HART, S. F. T. C. D.

H. M. PILKINGTON, ESQ., Q. C.

## FINANCE.

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### REPORT OF THE COMMITTEE.

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*Finance with all matters relating to a Sustentation Fund, Commutation, and Church Property.*

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THE Committee have divided their suggestions under the heads of—1. Sustentation Fund ; 2. Church Property ; 3. Commutation, to which has been added a scheme for Insurance.

Before entering into details, the Committee desire to call special attention to the fact, that the Church of Ireland has, by the Act of 1869, been with few exceptions, deprived of all endowments, and that, consequently, the main sources of Church revenue in the future are only what can be supplied by the voluntary contributions of her members. Yet their exertions will be greatly aided by that provision of the Act which secures to the Church the services of the existing Clergy during their lives. Taking the average expectation of life as about fifteen years, this is equivalent to giving Irish Churchmen fifteen years' notice of

the time when they are to be deprived of all public provision for the payment of their Clergy. The future position of the Church will depend in great measure on the use that may be made of this interval. If no exertions are made, all the benefit of the notice will be lost; and on the death of the existing Clergy, the Church will be in a worse position than if the Act had, without any warning, taken away the income of every Clergyman. On the other hand, if Irish Churchmen will begin at once to make the exertions which it will be necessary to make hereafter, every pound given in the interval will accumulate at compound interest, so as to form a Sustentation Fund for the future working of the Church. It is not far from the truth to say that, if the effort be made at once, half the sacrifice will be saved that would otherwise be necessary. For example, a parish desirous to secure £200 a-year to its clergyman, will, on the average, by subscribing £100 a year, during the Incumbent's life, be able to secure an endowment of that amount after his death; and then by continuing to subscribe £100 a year as before, the required £200 a year will be available for the support of a Clergyman, *i. e.* twice as much as if the subscription had been deferred till his death. Since what is proposed is tantamount to insuring the lives of the present Clergy, it is plain that the Church is a loser by every month that is wasted before exertions are commenced. As time goes on some of the holders

of Church preferment die, and the lives of the others become less valuable, and, therefore, more costly to insure.

### SUSTENTATION FUND.

We think it, therefore, of the utmost importance that an effort should be made with the least possible delay to raise a Sustentation Fund.

For this purpose we think that the Archbishops and Bishops should be requested to issue an address upon this subject, to be sent to all the Clergy and Parochial Delegates, and to name a very early day on which this address should be read in every Church in Ireland, and that a fund should be raised in the following manner :—

1. That their Graces the Archbishops of Armagh and Dublin, and the Dukes of Leinster and Abercorn be requested to act provisionally as Treasurers of the Central Fund.
2. That a Central Committee be appointed by the General Convention, for the purpose of obtaining subscriptions and managing all funds subscribed, pending the incorporation of the Representative Body of the Church, and that a Committee in correspondence with the Central Committee be appointed in each Diocese.
3. That every member of the Church be invited to

make a special donation without delay to the Central Sustentation Fund.

4. That every member of the Church be also invited to become a subscriber to the Sustentation Fund, and to signify the amount which he purposed to pay; and the time, whether weekly, monthly, quarterly, or annually, at which he will be prepared to pay his subscription.

5. That there be made in every parish or congregation before Easter next, a Register of all Church members, and that the amount of subscriptions promised and paid be entered; and that the subscriptions be collected at fixed intervals by persons appointed for the purpose.

6. That the subscribers be invited to give systematically a fixed per centage upon their income or property. It is calculated that at the least an annual subscription of two per cent. of the income of every member of the Church, rich and poor, will be required to carry out the desired objects. As, however, some may not give their due share, liberality on a larger scale will be indispensable on the part of others. The Committee have learned with pleasure that in some rural parishes the farmers have already promised to subscribe a per centage on the Poor Law valuation of their lands.

7. We recommend that all absentee owners of property be solicited to give in the same proportion as residents, and that a circular for that purpose be immediately prepared.

8. That accounts be regularly kept of all donations and subscriptions, and published periodically, distinguishing between sums promised and paid.

9. That in subscribing to the Sustentation Fund each subscriber be at liberty to allocate his subscription (or any part of it) to a particular Diocese, or to a particular Parish or fund ; but that all such trusts be subject to such revisions of diocesan and parochial boundaries, as may hereafter be made by competent authority. It is hoped, however, that persons subscribing for special objects will also subscribe to the Central Fund.

10. While we recognize that the ministrations of religion in the Church of Ireland ought ever to be freely offered to all, we do not think that persons unwilling to subscribe can claim as a right to be allowed control over funds raised by others ; but we think that it should be left free to each diocese to decide whether it will require subscription to the Church Funds as a qualification for voting at Parochial elections.

11. We recommend that the ordinary collections in churches after making such provision as may be deemed requisite for the poor, should be applied to the supply of Church requisites and the repairs and Insurance of Churches, for which no public funds will be available after Jan. 1871.

12. We recommend that the mode of defraying the expenses of Diocesan and General Synods be specially considered at the coming Convention.

13. We further recommend that special arrangements be made in each parish for the purchase of the glebe house and land where such purchase is thought advisable.

14. That a Financial Committee, of persons eminently qualified, be appointed by the Church Body, who may give advice as to investments and other financial matters ; and that the Diocesan Synods, if they think fit, be authorized to appoint Local Financial Committees, which shall be consulted upon all questions of investments connected with their own dioceses.

15. That in the event of the charter granted to the Church Body not being sufficient to enable them to lend money on mortgage application be made to Parliament for power to do so.

16. That all money collected be handed over by the parochial authorities to the Diocesan Council, and by them to the Treasurers of the Central Committee, in each case distinguishing the sums given specially for diocesan and parochial purposes. Provided always that Funds to be invested on behalf of diocesan and parochial trusts may at the option of the Donor, be managed by the Diocesan Synod and vested through the intervention of trustees appointed by them. But that accounts of all funds held on behalf of the Diocesan Synod, be furnished yearly to the Representative Body of the Church.

17. That the Representative Body of the Church should have full control over all Funds entrusted to

their care, arising from subscriptions or donations which are not limited by particular trusts, in accordance with the rules which may from time to time have been passed by the General Synod; and that the Funds available for distribution each year should be divided between the Dioceses, and that the funds assigned to each Diocese should be distributed in each Diocese by the Diocesan Council; and that the Representative Body should publish at least yearly, a statement of accounts, and also furnish full and complete accounts at each ordinary meeting of the General Synod.

18. That in each diocese, where required, there should be a special Cathedral Fund, inasmuch as the particular parish in which the Cathedral happens to stand could not be expected to undertake alone the support of the Cathedral.

19. We think that the Central Committee should set on foot a special fund for the endowment of Bishoprics, and invite donations for the purpose.

20. In time we hope that there may be added distinct funds for clergymen's widows, and for other special purposes.

#### CHURCH PROPERTY.

The remnants of Church property which may be recovered by application or purchase consist of

1. Churches, with graveyards attached, and schoolhouses.
2. See and Glebe houses, and lands.
3. £500,000 in lieu of private endowments.

*Churches.*

We recommend that each Diocesan Council prepare without delay, and supply to the Church Body a list of the Churches for which they recommend application to be made, and also of the Schoolhouses and Graveyards which it may be expedient to apply for ; where necessary annexing a map to prevent ambiguity or mistake.

*Glebe-Houses.*

We recommend that each Diocesan Council draw up as soon as possible a list of the Glebe-houses which they consider it desirable to purchase under Section 27 of Irish Church Act, specifying probable cost of purchase in each case, and also whether they recommend any purchase of land under section 28, with the probable cost of same, and whether the parish has taken steps to provide a part or the whole of the necessary funds.

We recommend that all Glebe-houses and lands when purchased be let to future incumbents subject to such rent and covenants as may be deemed desirable so as at least to cover costs of repairs and depreciation, and that all such repairs be executed out of the fund arising from these rents, by the Diocesan Council ; and that no charges be levied, at the termination of an incumbency, for dilapidations, unless where damage has been done to the house by culpable negligence or waste.

We think that the Representative Church Body should establish a Special Fund for the Insurance of Churches and Glebe-houses, and that all Churches and Glebe-houses vested in the Church Body should be insured with them by order of the General Synod.

£500,000.

We think it premature to make any definite recommendation about the money which is to be paid in lieu of private endowments, as it must be some time before it is known what local claims can be substantiated against it.

## COMMUTATION.

We have hitherto treated the question of Sustentation apart from that of Commutation. Assuming that the Commissioners of Church Temporalities are prepared to carry out the plan of Commutation in a liberal spirit, and that the Church body make such regulations as will inspire confidence in the Clergy, we recommend an immediate and general adoption of Commutation. But as this result cannot yet be considered certain, the Sustentation of the Church must not be left contingent upon the adoption of this plan.

Moreover, we cannot too clearly point out the mischievous tendency of the notion entertained by many, that the bulk sum to be paid for Commutation is equi-

valent to an endowment, or that it can in any way release the members of the Church from the necessity of providing a Sustentation Fund by voluntary efforts. But by a wise use of Commutation we consider that the plan of Sustentation may be greatly facilitated and solid advantages secured to the Church. We therefore proceed to show in what way the system may be carried out with safety to the Clergy and with advantage to the Church.

#### *Safety of Commutation.*

The Committee feel that they incur a very grave responsibility, where the incomes of so many families are at stake, in recommending an immediate and general Commutation. They would therefore call special attention to the fact that the interests of the Church at large are identical in this matter with those of the annuitants. Unless they were convinced that under the conditions they suggest, there would be a substantial balance likely to remain to the credit of the Sustentation Fund, after discharging all liabilities to the Commuting Clergy, they could not incur the responsibility of recommending Commutation.

Feeling that in order to inspire confidence it is desirable to give those who commute every possible guarantee, we recommend that in the terms to be arranged by the Church Body all the property at their disposal (including the principal of the balance of £500,000 after settling local claims, and the principal of all sums permanently invested for the general

purposes of the Church), be made in the first instance liable for the annuities of the Clergy. We recommend that a subscription be set on foot for the purpose of raising a large sum of money which shall, in the first instance, be preserved as a Guarantee Fund for the Commuting Clergy, and, after that purpose is answered, shall form part of the permanent Sustentation Fund. This will constitute a security over and above the computed value of the life interests, which will secure those who commute not only against ordinary contingencies, but against extraordinary and unforeseen losses, should such unhappily occur.

If to this be added the security arising from the mode of electing those who will have the management of the funds, and the frequent periodical publication of the accounts, which will be jealously watched by so many, it is hard to see how any better security could reasonably be required.

But however sufficient the guarantee for the Clergy may be without the bonus of 12 per cent., we cannot in every case recommend Commutation as for the interests of the Church, except where it is so general as to secure that bonus; otherwise it will be desirable only where Clergymen wish to compound, and to be released from duty, or in other special cases. It appears from the tables published by Mr. Atkins that the commuted value of the life interests, together with the bonus of 12 per cent., would be sufficient to purchase Government annuities for the Clergy, and to leave a

balance to the Church. But we cannot recommend the adoption of this expedient on a large scale, as it would practically leave very little profit to the Church, and the indirect advantages of Commutation, of which we shall speak presently, would be altogether lost.

*Compounding.*

Inasmuch as in the re-arrangement of the parochial system, provision must be made for a reduction in the number of clergy in some districts we recommend that the Church Body should deal on fair and liberal terms with all annuitants who wish to be released from their present obligations of duty, and pay to them according to circumstances sums not less than one-third, or more than two-thirds of the value of their life interests, (including the bonus of 12 per cent. where it has been obtained) ; provided always that unless the application for such compounding be made before the end of the year 1871, the privilege be limited to those whose lives are insurable : provided also that the Council of the Diocese be consulted before any Clergyman be released from his present obligations.

The case of Curates whose incomes are to be deducted from the annuities paid to their rectors will require exceptional arrangements.

We further recommend that the Church Body should lend to any annuitant who has commuted, and requires them to do so, a sum not greater than that

which he would be entitled to receive if he were to compound, on condition of his annuity being reduced by the interest on the sum lent, together with the amount necessary to insure his life for an equal sum.

We believe that these arrangements will render Commutation more general and will help to secure the bonus, without which we cannot recommend its unconditional acceptance.

We further recommend the Church Body as soon as possible to ascertain the tables which the Commissioners of Church Temporalities intend to adopt in commuting life interests, and the intended mode of dealing with glebe lands and houses, and that the Church Body should publish this information as soon as possible together with the rules which they propose to adopt in their dealings with the Clergy. We recommend that on receiving this information the Diocesan Committees should immediately take steps to ascertain how many are prepared to commute, and should send the lists with all particulars to the Church Body. We consider it highly expedient that the applications for Commutation be lodged with the Commissioners of Church Temporalities as soon as possible, so that Commutation may take place early in 1871.

We would add that, as the Act leaves the duties and rights of the Commuting Clergy to be arranged by agreement, it will be necessary to draw up such a form of contract as will secure the continued performance of their duties, while leaving them the same

rights and freedom as before. It will be proper also that the form of contract should include the express stipulation that the total Fund received for Commutation shall be charged with the annuity of each commuting Clergyman, in lieu of the specific charge, which each Clergyman, according to the terms of the Act, has upon the Fund arising from the commutation of his own annuity. This change would manifestly give the Clergy a good instead of an indifferent security, for while it is morally certain that the total sum received for Commutation is more than sufficient to discharge the claims on it, it is equally certain that in any particular case it is possible the annuitant may outlive the sum received for the commutation of his annuity.

*Advantages of Commutation.*

The *direct* advantages of Commutation consist of :—

1. A portion of the bonus of 12 per cent. which may be saved after paying expenses.
2. The gain arising from such sums as may be securely invested at a higher rate than  $3\frac{1}{2}$  per cent.
3. The sums left after compounding with Clergy-men whose services need not be replaced.

But it is chiefly on account of its *indirect* results that we advocate the general adoption of the system of Commutation. Combining this with a general collection for Sustentation, the Church Body can apply in aid of the interest of the Commutation money the subscriptions received from year to year. If

the subscriptions were sufficient to make good the difference between the interest of the capital and the annuities of the Clergy, the whole sum would ultimately be saved as an endowment for the Church. If the efforts of Churchmen fall short of this, some of the capital must be sold out to meet the liabilities upon it. But we would strongly urge upon them the necessity of making a great and combined effort, and aiming at nothing short of the saving of the entire capital. We feel convinced that no other object will equally stimulate the liberality of subscribers, and that there is no way in which the subscriptions of Churchmen will avail so much, as used in combination with Commutation ; although the endowments arising in this way will be no less the fruits of their own voluntary gifts, and not the consequence of Commutation, which unaided would leave but a trifling residue to the Church.

### *Insurance.*

As some however have advocated a system of Insurance of the lives of the existing Clergy, without any Commutation, as the best mode of providing endowments for the future, we think it our duty to show the superior advantages which will be gained by parishes which insure with the Church Body instead of with an ordinary Insurance Company.

1. Insurance Companies charge, in addition to the computed value of the risk, a loading of about 10 per cent. to cover expenses of management, including

high commissions for agency. The much smaller expenses which it would be necessary for the Church Body to incur would be met by the bonus of 12 per cent. received on Commutation.

2. The Church Body could undertake the responsibility on safer terms than any Insurance company, because, as it would have at the same time the engagement of paying the Clergyman an annuity during his life, the one risk would balance the other. If the Clergyman live long the payment to the parish is postponed; if he die soon the Church Body is able to fulfil its obligation to the parish, because it is released from paying the Clergyman's annuity. Moreover the Insurance payments of the parish would relieve the Church Body from brokerage, and risk of loss by depreciation, incurred in selling out a portion of the capital for payment of the Clergyman's annuity; while again, at the Clergyman's death there would not be the risk or expense of selling out stock, but the capital would remain in the Church Body, invested for the benefit of the parish, and might, if desired, be transferred to the charge of the trustees of the Diocese.

3. As, in the event of the parish failing to pay the required premium to an Insurance company, the policy might be forfeited or surrendered at a heavy loss, it would be safer to deal with the Church Body, which could afford to give the parish all that it could fairly claim in return for payments made.

Thus we expect that the Church Body would be in possession of a Sustentation Fund, a Commutation Fund, and an Insurance Fund, burdened with the following obligations :—

The first charge would be the payment of the annuities of the Commuting Clergymen ; the second charge, equally a matter of debt, would be the fulfilment of obligations to insuring parishes ; the third, not a matter of pecuniary debt, but a matter of Christian sympathy and missionary zeal, would be the supply of religious ministrations, as far as the funds remaining at their disposal would permit, to districts which are clearly unable to supply them for themselves.

In dealing with offers of insurance or endowment for separate parishes, we recommend that there should be a minimum income for Clergymen agreed upon (suppose £200 a year for Incumbents and £100 a year for Curates in priests' orders), and that it should be distinctly understood that where the funds available from all sources fall below the required minimum, the consolidation of such a parish with one or more adjoining parishes may be found necessary in order to raise the required stipend.

We think it right in thus leaving it open to separate parishes to insure their Clergyman's life with the Church Body, to express our opinion that it would be more for the permanent interests of the Church if each Diocese were to endeavour to collect subscriptions to the amount of the difference between the

interest on the bulk sum received for Commutation and the annual amount of the life annuities chargeable upon it, so as to save all the capital for the use of the Diocese at large. We believe that such a course would in the end be found the most advantageous to all. But as many will contribute to the wants of particular localities who might not contribute equally to a common fund, we recommend that room be left by the arrangements of the Church Body for every variety of endowment and contribution whether general, diocesan, or parochial.

We subjoin a table kindly furnished by Professor Galbraith, to show the advantage of direct dealing with the Church Body over insurance with an ordinary company.

The Committee think that they would be outstepping their own province, and interfering unnecessarily with the action of the Church Body and the Diocesan Committees, if they were to enter further into details. They therefore conclude their Report by urging strongly, not only the immediate formation of the Church Body, but the urgent necessity of that Body framing without delay such a code of rules as will inspire confidence, and place the financial operations of the Church of Ireland upon a well-defined and satisfactory basis.

## APPENDIX.

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The following Table is intended to shew the advantage of insuring the Commutation value of an Incumbent's life with the Church Body over the ordinary method of insurance with an office.

Column I. gives the Commutation values of £100 annual income, as computed from the Government  $3\frac{1}{2}$  per cent. Annuity Tables, and increased by the 12 per cent. bonus.

Column II. gives opposite each age the sums of money, the upper sum being the interest of the Commutation money at  $3\frac{1}{2}$  per cent., and the lower sum the balance to be subscribed by the parish in order to make up the income of £100.

Column III. gives corresponding sums computed at 4 per cent.

Column IV. gives the annual premiums which would be required to insure the Commutation values at an Insurance Office.

Age.	I. Commutation value of £100 income.	II. Interest at 3½ per cent.	III. Interest at 4 per cent.	IV. Annual premium with an office.
30	£1998	£70 0 30 0	£80 0 20 0	£42 17
35	1907	66 15 33 5	76 5 23 15	46 16
40	1794	62 15 37 5	71 15 28 5	51 5
45	1657	58 0 42 0	66 5 33 15	54 19
50	1489	52 2 47 18	59 11 40 9	59 6
55	1318	46 2 53 18	52 14 47 6	65 17
60	1158	40 10 59 10	46 6 53 14	73 14
65	978	34 5 65 15	39 2 60 18	77 2
70	807	28 5 71 15	32 5 67 15	83 8
75	647	22 12 77 8	25 18 74 2	88 10

Suppose the age of the Incumbent to be 45, and his income £200 a-year, his Commutation value (£3314) lodged with the Church Body, and invested by them at 3½ per cent. will yield £116, to make up which to £200, the parish must subscribe £84; if the Church Body invests the money at 4 per cent. the interest will be £132 10s., leaving only £67 10s. to be subscribed by the parish. At the Incumbent's death the Capital Sum, £3314, will remain for ever the property of the parish. If the same result be



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effected by insuring the life with an office the annual premium required will amount to £109 18s. In comparison with this mode of proceeding, the parish subscription to the Church Body is obviously cheaper—a saving being effected in the case proposed as an illustration from about 25 to 40 per cent.

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